

ORDINANCE 87-46

To Amend Title Six of the Bloomington Municipal Code Entitled
Health and Sanitation

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 6.04.010 Definitions shall be amended to read
as follows:

(c) "Refuse" means all putrescible and nonputrescible solid wastes, including animal wastes, garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles as defined in Section 15.04.020 of the Bloomington Municipal Code, and solid market and industrial wastes.

(d) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, construction debris, and similar materials.

SECTION II. Section 6.06.040 Inspections shall be amended to read
as follows:

6.06.040 Inspections. It shall be the duty of the Police Department or the Housing Code Enforcement Office to make a careful inspection upon request of any lots, grounds and tracts of land situated within the corporate limits of the City for the purpose of determining whether there is a violation of this chapter.

SECTION III. Section 6.06.050 Removal Notice shall be amended to
read as follows:

6.06.050 Removal Notice. Whenever the Police Department or the Housing Code Enforcement Officer finds refuse, weeds, or other vegetation on property within the City which is in such a condition as to violate this chapter, a written report of the complaint and findings shall be filed with the Housing Code Enforcement Office. The Controller shall issue a written notice to the landowner to remove the refuse or vegetation within five (5) days of the date of the notice. A police officer shall serve the notice upon the landowner by registered mail or personal delivery. The police officer serving the notice shall file with the Housing Code Enforcement Office the proof of service of the notice.

SECTION IV. Section 6.06.060 Failure to Remove shall be amended
to read as follows:

6.06.060 Failure to Remove. (a) The Police Department or the Housing Code Enforcement Office shall reinspect the property within ten (10) days after the date of the notice to determine whether the violation has been cured. If the landowner has failed to remove the refuse or vegetation, or has failed to pursue an appeal pursuant to this chapter, a written report of these findings shall be filed with the Housing Code Enforcement Office. The Police Department or the Housing Code Enforcement Office may issue to the landowner a citation for ordinance violation which states the relevant offense(s) of the Bloomington Municipal Code, and which assesses the appropriate penalty. The penalty, as established in Section 6.06.120, shall be paid to the City Legal Department within 72 hours in full satisfaction of the assessed penalty. If such payment is not made within the prescribed period, proceedings may be filed in a court of competent jurisdiction.

(b) In addition to subsection (a) above, if the landowner, upon reinspection, failed to remove the refuse or vegetation or failed to pursue an appeal pursuant to this chapter, the City, through its public works department may remove the refuse or vegetation. The City may also pursue any other appropriate legal remedies.

SECTION V. Section 6.06.070 Cost of Removal by City shall be amended to read as follows:

6.06.070 Cost of Removal by City. If the landowner fails to remove the refuse or vegetation and the City removes it, the Controller shall make a certified statement of the actual cost incurred by the City for the removal. The Statement shall be served on the landowner by registered mail or personal service. The landowner shall pay the amount in the statement within ten (10) days after receiving it, a certified copy of the statement of costs shall be filed in the office of the County auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected as taxes are collected and disbursed to the general fund of the City.

SECTION VI. Section 6.06.080 Appeal of Removal Notice, sentence one shall be amended to read "five (5)" in lieu of "ten."


SECTION VII. Section 6.06.120 Violations shall be amended to read as follows:

6.06.120 Violations. Violations of the provisions of this chapter are declared a public nuisance. Any person who violates any provision of this chapter shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) for each violation. Each day that a violation continues shall constitute a separate violation.

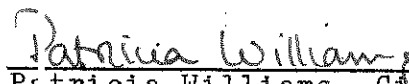
SECTION VIII. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other section, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION IX. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of October, 1987.


Timothy Mayer, President
Bloomington Common Council

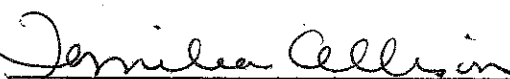
ATTEST:


Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of October, 1987.


Patricia Williams, City Clerk

SIGNED AND APPROVED by me upon this 28 day of October, 1987.


Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This ordinance is designed to clarify the procedures used to enforce the weeds and refuse chapter of Title 6. The ordinance give the Housing Code Enforcement Office and the Bloomington Police Department concurrent powers of enforcement. It also reduces the amount of time a landowner has to either bring property into compliance or to appeal. The ordinance is sponsored by Council President Tim Mayer and Councilmember Jim Regester.

10/28/87 signed: BMC File Police
Legal Public Works
Housing Code E.C.